

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

CONNIE SUE HOWERTON,

Plaintiff,

v.

CIVIL ACTION NO. 5:16-cv-01026

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By *Standing Order* (Document 4) entered on January 29, 2016, this action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B).

On December 12, 2016, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 15) wherein it is recommended that this Court: grant the Plaintiff's motion for judgment on the pleadings to the extent that it seeks remand of the Commissioner's decision; deny the Defendant's motion for judgment on the pleadings; reverse the decision of the Commissioner; remand the case pursuant to sentence four of 42 U.S.C. § 405(g); and dismiss the case with prejudice and remove the same from the Court's docket.

Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by December 30, 2016, and none were filed by either party. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *see also Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983) (holding that districts courts may adopt proposed findings and recommendations without explanation in the absence of objections).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge. The Court: **GRANTS** the Plaintiff's motion for judgment on the pleadings (Document 12) to the extent that it seeks remand of the Commissioner's decision; **DENIES** the Defendant's motion for judgment on the pleadings (Document 13); **REVERSES** the decision of the Commissioner; **REMANDS** the case pursuant to sentence four of 42 U.S.C. § 405(g); and **DISMISSES** the case **with prejudice** and **MOVES** the same from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this *Memorandum Opinion and Order* to Magistrate Judge Eifert, counsel of record, and any unrepresented party.

ENTER: January 4, 2017


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA